

# ELLIS:LAWHORNE

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December 6, 2006

**FILED ELECTRONICALLY AND ORIGINAL VIA 1<sup>ST</sup> CLASS MAIL SERVICE**

The Honorable Charles L.A. Terreni  
Chief Clerk  
**South Carolina Public Service Commission**  
Post Office Drawer 11649  
Columbia, South Carolina 29211

RE: Petition of the Office of Regulatory Staff  
Docket No. 2006-327-WS, ELS File No. 1015-10306

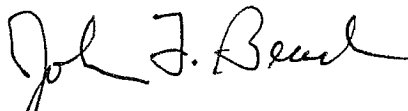
Dear Mr. Terreni:

Enclosed for filing please find the original and one copy (1) copy of the **Response of Wyboo Plantation Utilities, Inc. to Petition of the Office of Regulatory Staff** for filing in the above-referenced docket. By copy of this letter, I am serving all parties of record in this proceeding and enclose my certificate of service to that effect.

Please stamp "received" the additional copy of this letter, and return in the enclosed envelope.

With kind regards, I am

Yours truly,



John F. Beach

JB/cr

Attachment

cc: all parties of record, w/a  
Mr. Mark Wrigley, w/a

**THIS DOCUMENT IS AN EXACT DUPLICATE OF THE E-FILED COPY SUBMITTED TO THE COMMISSION IN ACCORDANCE WITH ITS ELECTRONIC FILING INSTRUCTIONS.**

**DOCKET NO. 2006-327-W/S**

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)  
) **RESPONSE OF WYBOO PLANTATION**  
) **UTILITIES, INC. TO PETITION OF THE**  
) **OFFICE OF REGULATORY STAFF**  
)  
)

Wyboo believes that it is appropriate for the Commission to utilize this definition as its standard for deciding upon the issues in this proceeding.

**Water Tap Fees, Impact Fees, Cut-on, Cut-off Fees, Illegal Water Use fee.**

Wyboo acknowledges that it has charged water tap fees to certain new customers since Mark Wrigley became Wyboo's sole stockholder in 2001. Wyboo charged this tap fees in part because Wyboo's previous owner, Bill Gregory, informed Mr. Wrigley upon the his sale of Wyboo that Wyboo was tarified by the Commission to charge a tap fee for each new water customer.

Wyboo utilized its own personnel, hired third-party contractors, and purchased materials in order to grant customers' requests to be interconnected to the Wyboo water system. Wyboo made these connections in a timely fashion, and the customers received the benefits associated with those interconnections. The amounts that Wyboo charged customers did not fully cover the costs that Wyboo incurred in making these interconnections. At the time of these interconnections, Wyboo expended real costs, and provided valuable services that were commensurate with the amounts these customers paid.

Wyboo is informed and believes that it has not charged any water impact fees.

While the utility is unaware of any specific water cut-on, cut-off fees it may have levied, it believes that any charges it may have levied for water cut-on and cut-off are also consistent with the Utility's costs associated with this service.

Wyboo is currently pursuing rates and tariff provisions that will formalize all charges for water and sewer service.

### **Sewer Tap Fees in Excess of \$500**

Wyboo acknowledges that it has charged certain customers in excess of \$500 for sewer connections. As with the charges related to water connections, Wyboo utilized its own personnel, hired third-party contractors, and purchased materials in order to grant customers' requests to be interconnected to the Wyboo sewer system. Wyboo made these connections in a timely fashion, and the customers received the benefits associated with those interconnections. The amounts that Wyboo charged customers did not fully cover the costs that Wyboo incurred in making these interconnections. At the time of these interconnections, Wyboo expended real costs, and provided valuable services that were commensurate with the amounts these customers paid.

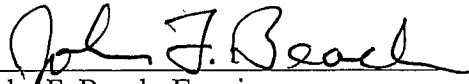
Wyboo is currently pursuing rates and tariff provisions that will bring Wyboo's tariffed charges for sewer connection in line with its associated costs.

### **DHEC Sewer Fee**

Wyboo acknowledges that it charged certain customers a fee related to the costs associated with DHEC's regulation of its sewer treatment services. Wyboo was under the misunderstanding that it could do this pursuant to Commission and DHEC regulations. Wyboo realizes that its understanding was incorrect, and commits to refund all such charges that it may have collected since Mr Wrigley purchased Wyboo in 2001.

## Conclusion

It is Wyboo's hope that this response will fully satisfy ORS's concerns. Wyboo believes that its treatment of the various charges was in the "public interest" as defined above. Wyboo is ready and willing to provide such other and further evidence as the Commission may deem just and proper.



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Attorneys for Wyboo Plantation Utilities, Inc.

Columbia, South Carolina  
December 6, 2006

IN RE:

v.

# CERTIFICATE OF SERVICE

Carol Roof, Paralegal

December 6, 2006  
Columbia, South Carolina